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Page 1 of 25

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Date: 3-Oct-06

To:
Examiner: COULTER, KENNETH R.
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Art Unit:
2141

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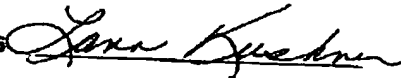
Application No.: 09/891,225; Inventor: Dale T. Taylor
Filed: 6/26/2001 Docket No. 42390P11802

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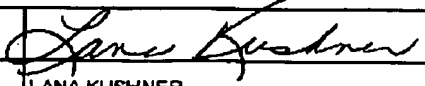
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	Filing Date	6/26/2001
	First Named Inventor	DALE T. TAYLOR
	Art Unit	2141
	Examiner Name	COULTER, KENNETH R.
	Attorney Docket Number	42390P11802
Total Number of Pages in This Submission		25

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For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500.00**Complete if Known**

Application Number	09/891,225
Filing Date	6/26/2001
First Named Inventor	Dale T. Taylor
Examiner Name	Coulter, Kenneth R.
Art Unit	2141
Attorney Docket No.	42390P11802

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Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20.						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

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If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x		

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Name (Print/Type)	SHAMINI N. GREEN	Date	OCTOBER 3, 2006		

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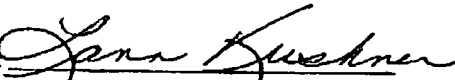
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LANA KUSHNER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Dale T. Taylor, et al.

Atty. Docket No: 42390.P11802

App. Serial. No.: 09/891,225

Group Art Unit: 2141

Filed: 6/26/2001

Examiner: Coulter, Kenneth R

Title: COALESCING INFORMATION FROM MULTIPLE SOURCES BASED ON PRIORITY RULES

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BRIEF ON APPEAL

Pursuant to Appellant's Notice of Appeal filed on August 21, 2006, Appellant presents this Brief and fee under 37 C.F.R. § 1.17(c) in appeal of the Final Rejection dated May 19, 2006.

I. REAL PARTY IN INTEREST.

Intel Corporation is the real party in interest.

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II. RELATED APPEALS AND INTERFERENCES.

There are no related appeals or interferences before the Board of Patent Appeals and Interferences known to Appellants, the Appellants' legal representatives, or assignee that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-27 are pending in the application. Claims 1-27 stand finally rejected and are the claims subject to this appeal as are reproduced in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments were filed after the Final Office Action dated May 19, 2006 (hereafter "Final Office Action").

V. SUMMARY OF CLAIMED SUBJECT MATTER

Simply stated and generally speaking, one embodiment of Appellant's invention (as captured in independent Claims 1, 8, 12 and 18) is directed to a method, system and article for coalescing information from multiple sources based on priority rules. Aggregated information gathered from multiple sources on a network (via or through agents) may contain duplicate data. For example, when a network manager sends inquiries to multiple agents to search for an available router device, more than one agent may respond (e.g., multiple routers are available) (Specification, Page 2, Paragraph 4). According to embodiments of the present invention, a typical configuration may

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comprise a plurality of agents associated with a plurality of corresponding device groups and a priority rule-based coalescing mechanism connecting with the plurality of agents via a network. The priority rule-based coalescing mechanism receives information related to the devices in the device groups from the corresponding agents and coalesces the received information according to pre-defined priority rules. (Specification, Page 4-5, Paragraph 16).

In one embodiment, in the above configuration, an agent is capable of communicating with the devices in its device group that are running on different platforms and using different protocols. An agent serves as an interface between the devices in its device group and the priority rule-based coalescing mechanism and while interacting with the priority rule-based coalescing mechanism, a uniform schema or convention is adopted. Thus, for example, a schema defined using the eXtensible Markup Language (XML) may be pre-specified to deliver the information from the agents to the priority rule-based coalescing mechanism. (Specification, Page 5-6, Paragraph 19).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The sole issue for consideration in this appeal is whether Claims 1-27 are properly rejected under 35 U.S.C. § 102 as being anticipated by Wolton et al., U.S. Publication No. 2004/0030741 (hereafter "Wolton").

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VII. ARGUMENTS

A. THE WOLTON REFERENCE FAILS TO DISCLOSE EACH AND EVERY CLAIM OF THE INVENTION.

As a preliminary matter, Appellants respectfully submit that the Examiner rejected Claims 4-27 according to the same grounds as Claims 1-3. (Final Office Action, May 19, 2006). As such, all reasons for rejection of Claim 1 are allegedly the same for the remaining independent claims 4, 7, 14, 17, 20, 22, 24 and 26. Appellants shall therefore address independent claims 1, 4, 7, 14, 17, 20, 22, 24 and 26 ("the independent claims") collectively and all remarks hereafter made with respect to "the independent claims" are equally applicable to each of the claims. Each independent claim includes similar elements, namely the elements of (i) a plurality of agents capable of receiving and sending formatted information from and to device groups, each of the device groups comprising devices capable of running on a plurality of different platforms using a plurality of different protocols via a network, the formatted information organized according to a pre-defined syntax; and (ii) a priority rule-based coalescing mechanism connecting to the plurality of agents via the network, the priority rule-based coalescing mechanism capable of coalescing the formatted information received from the plurality of agents, the pre-defined syntax of the formatted information being recognized by the plurality of agents and the priority rule-based coalescing mechanism, the priority rule-based coalescing mechanism further coalescing the formatted information within a coalesced file and synchronizing the coalesced file according to corresponding priority rules defined with respect to each of the plurality of agents, the synchronized coalesced

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file then being processed to generate an updated coalesced file. The following arguments focus on the key elements of these independent claims, as emphasized above.

(i) Wolton does not teach the first element of the independent claims.

The Examiner suggests that various sections of Wolton disclose all aspects of the first claimed element. For the purposes of discussion, Appellants' hereby separate the first claim element into its various logical sections, namely (a) agents that receive and send formatted information (b) where the information is formatted according to a pre-defined syntax (c) from and to device groups, each of the device groups comprising devices capable of running on a plurality of different platforms using a plurality of different protocols. Appellants respectfully disagree with the Examiner's contention that Wolton teaches each of the logical sections of this first claim element.

The Examiner's focus appears to be section (a) of the first element above, namely agents that receive and send formatted information. The Abstract in Wolton referred to by the Examiner, for example, simply states "The result of searches performed by the system can retrieve user selected documents from a network and automatically format results of the search and content retrieval using a plurality of ranking methods". Appellants respectfully submit that this highlights a fundamental misunderstanding on the Examiner's part re the "pre-defined format" claimed herein. Specifically, the Examiner appears to be citing this section of Wolton to show that the results of a search may be formatted. Appellants are not attempting to claim the generic concept of formatting results. Instead, Appellants are claiming a scheme whereby agents receive and send data

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formatted according to a pre-defined syntax. Appellants submit that the mere mention of formatting data does in Wolton not rise to the level of disclosing "a pre-defined syntax" as claimed herein. As described in the Specification, a pre-defined syntax includes "a uniform schema adopted... to deliver the information from agents to the priority based coalescing mechanism" (Specification, Paragraph 19). Nothing in Wolton describes this section of the first claim element.

Similarly, the other sections highlighted by the Examiner in the Final Office Action appear to have no bearing to any of the sections of the first claim element. For example, the Examiner points to "Figs. 10, 12a10 "Format Settings for Search Results"; p 35, paragraph 790; p. 4, paragraph 79 "user defined visualization display types"; Fig. 1b, items 1910 and 1912; paragraphs 251 and 252 "port to any operating system platform 1910" "adapt to any open dynamic environment 1912"; paragraphs 62-67, 72, 252, 790" to somehow teach all the sections of the first element of the independent claims.

Appellants respectfully submit that with respect to these remaining sections of the first claim element, the Examiner's bare allegations fail to established a *prima facie* case of anticipation. As is well-established, in order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited prior art must disclose every limitation of the claims being rejected. Therefore, if even one claim element or limitation is not disclosed by the combination of references, a *prima facie* case is not established. Additionally, as the Federal Circuit has noted,

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"As adapted to *ex parte* procedure, Graham [v. John Deere Co.] is interpreted as continuing to place the burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103."

In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967)). The Examiner thus has the burden of producing a factual basis for his rejection and for establishing anticipation by identifying how each recited claim element is allegedly disclosed by the cited reference(s).

Appellants respectfully submit that each of the logical sections of the first claim element is in fact a claim limitation and as such, the Examiner is required to factually identify how each of the limitations is disclosed by Wolton to establish a *prima facie* case. Appellants submit that the Examiner has failed to establish such a *prima facie* case (i.e., one based on factual basis) for the limitation in the first claim element of the independent claims and has merely provided bare allegations that the reference anticipates element. The Examiner's cryptic remarks (repeated above) do not show a factual basis for how each of the highlighted sections of Wolton allegedly disclose each section of the first claim element. Instead, Appellants respectfully point out that at best, the sections highlighted by the Examiner may be construed as Wolton disclosing a scheme to format results which may be ported to any operating system and/or which may be adapted to any open dynamic environment. That does NOT however, have any bearing on the limitations described in the first element of the independent claims herein.

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The Examiner thus failed to establish a *prima facie* case and the rejection to the independent claims should be reversed for at least that reason.

Even assuming arguendo that the Examiner's allegations above somehow rise to the level of a "factual basis" for a *prima facie* case of anticipating this claim element, Appellants respectfully submit that if anything, the language in Wolton highlighted by the Examiner teaches *away* from the first element of the independent claims. For example, the fact that any section of Wolton uses the phrase "port to any operating system platform 1910" implies that there is no "pre-defined syntax" because a pre-defined syntax would preclude the need to "port" anything. Similarly, the fact that Wolton describes the ability to "adapt" to any open dynamic environment" also implies that some form of "adapting" is required, which also teaches away from information organized according to a pre-defined syntax as claimed herein.

Similarly, paragraph 790 of Wolton highlighted by the Examiner states the following "This autonomous rapid update process using live search over a network of disparately formatted and heterogenous information, provides maximum recency of information to the shell environment applications." (emphasis added) Again, the fact that this section of Wolton states that the information is "disparately formatted" teaches away from the information being organized in a pre-defined format, as claimed. Appellants thus respectfully submit that none of the sections of Wolton highlighted by the Examiner disclose the first element of the independent claims and that the rejection to the independent claims should be withdrawn for at least this reason.

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(ii) Wolton does not teach the second element of the independent claims.

The Examiner also suggests that various sections of Wolton disclose all aspects of the second claimed element. Similar to the first claim element, the second claim element may also be divided into logical sections, namely (a) a priority rule-based coalescing mechanism connecting to the plurality of agents via the network, (b) the priority rule-based coalescing mechanism capable of coalescing the formatted information received from the plurality of agents, (c) the pre-defined syntax of the formatted information being recognized by the plurality of agents and the priority rule-based coalescing mechanism, (d) the priority rule-based coalescing mechanism further coalescing the formatted information within a coalesced file and (e) synchronizing the coalesced file according to corresponding priority rules defined with respect to each of the plurality of agents, (f) the synchronized coalesced file then being processed to generate an updated coalesced file. Appellants respectfully disagree that Wolton discloses each of these logical sections of the second claim element.

Once again, Appellants highlight the fact that the Examiner simply failed to understand key aspects of the invention. The "pre-defined syntax" of the formatted information is also a feature of this claim element, which the Examiner fails to identify. More specifically, although the Examiner again provides a cryptic list of sections in Wolton, with various sections highlighted to allegedly show all sections of this claim element, none of the sections highlighted by the Examiner appear to make any mention of the claimed element of a "pre-defined syntax" that is recognized by both the agents and any priority rule-based coalescing mechanisms. Thus, although the Examiner lists a page

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of highlights from Wolton, the Examiner fails to show how any of these sections are relevant. Appellants' respectfully submit that merely highlighting words in these paragraphs does not rise to the level of showing how these sections relate to the various claim limitations. For example, Appellants best guess is that the Examiner is taking the position that since Wolton describes an "agent", the agent in Wolton must be identical to the agent claimed herein. Appellants strongly disagree and submit that the mere usage of the word agent cannot be de facto proof that Wolton teaches the *type* of agents claimed herein. In fact, the Examiner has made no attempt to show why the "agents" described in Wolton are remotely similar to the agents claimed herein. Appellants submit that there is no similarity, i.e., the agents described in Wolton do not resemble the agents as claimed herein, namely agents that send and receive formatted information according to a pre-defined syntax that is recognized by the agents and priority rule-based coalescing mechanisms on the network.

For at least the foregoing reasons, Appellants respectfully submits that Wolton does not anticipate the independent claims and all claims dependent on these independent claims and respectfully request the rejection thereof under 35 U.S.C. § 102 be overturned.

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VIII. CONCLUSION

It is respectfully submitted that in view of the foregoing, all of the pending claims are patentable over the cited prior art references, alone or in any combination, and the Board is respectfully requested to overturn the rejections of record and allow this application to issue.

Respectfully submitted,

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Date: October 3, 2006

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APPENDIX A

1. (Previously presented) A system, comprising:
 - a plurality of agents capable of receiving and sending formatted information from and to device groups, each of the device groups comprising devices capable of running on a plurality of different platforms using a plurality of different protocols via a network, the formatted information organized according to a pre-defined syntax; and
 - a priority rule-based coalescing mechanism connecting to the plurality of agents via the network, the priority rule-based coalescing mechanism capable of coalescing the formatted information received from the plurality of agents, the pre-defined syntax of the formatted information being recognized by the plurality of agents and the priority rule-based coalescing mechanism, the priority rule-based coalescing mechanism further coalescing the formatted information within a coalesced file and synchronizing the coalesced file according to corresponding priority rules defined with respect to each of the plurality of agents, the synchronized coalesced file then being processed to generate an updated coalesced file.
2. (Previously presented) The system according to claim 1, wherein each of the agents is associated with one of the device groups, each device group comprising at least one device and collecting information from the at least one device in the device group.
3. (Previously presented) The system according to claim 2, wherein each of the plurality of agents comprises:
 - a device interface for interacting with the at least one device in the device group to collect information;
 - an information formatting mechanism for organizing the information, collected by the device interface from the at least one device, according to the pre-defined syntax to generate the formatted information; and

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- a network communication mechanism for communicating with the priority rule-based coalescing mechanism, sending the formatted information to the priority rule-based coalescing mechanism via the network.
4. (Previously presented) A priority rule-based coalescing mechanism, comprising:
- a network communication mechanism for receiving formatted information from an agent coupled to a device group comprising devices capable of running on a plurality of platforms using a plurality of protocols, the formatted information generated according to a pre-defined syntax;
 - a priority rule database for storing priority rules defined with respect to the agent; and
 - a coalescing mechanism for coalescing and synchronizing the formatted information in a coalesced file according to the priority rules retrieved from the priority rule database, the pre-defined syntax of the formatted information being recognized by the agent and the coalescing mechanism, the coalescing mechanism further capable of generating an updated coalesced file.
5. (Original) The mechanism according to claim 4, further comprising:
- a priority rule set-up mechanism for setting up the priority rules for the agent, the priority rules defining the priority of the agent;
 - a priority rule accessing mechanism for retrieving the priority rules, from the priority rule database after the formatted information is received from the agent, to provide associated priority rules to the coalescing mechanism to coalesce the formatted information.
6. (Previously presented) The mechanism according to claim 5, further comprising:
- a coalesced file initialization mechanism for initializing the coalesced file to which the agent appends formatted information;
 - a parsing mechanism for parsing the priority rules, retrieved by the priority rule access mechanism from the priority rule database, before the coalescing mechanism coalesces the formatted information;

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a transformation mechanism for transforming the formatted information, before the formatted information is coalesced by the coalescing mechanism, according to the priority rules; and
a coalesced file database for storing the updated coalesced file, generated by the coalescing mechanism.

7. (Previously presented) A method, comprising:

sending, by a priority rule-based coalescing mechanism, an inquiry to an agent to gather information from a device group associated with the agent, the device group comprising devices capable of running on a plurality of platforms using a plurality of protocols;
collecting, by the agent, the information from the device group according to the inquiry;
constructing formatted information based on the information obtained from the device group according to a pre-defined syntax;
sending the formatted information to the priority rule-based coalescing mechanism;
retrieving, by the priority rule-based coalescing mechanism, priority rules associated with the agent from a priority rule database; and
coalescing the formatted information based on the priority rules to generate an updated coalesced file.

8. (Original) The method according to claim 7, wherein the sending an inquiry includes sending the inquiry with a coalesced file.

9. (Previously presented) The method according to claim 8, wherein the sending the formatted information comprises:

appending the formatted information, generated by the constructing, to the coalesced file; and
sending the coalesced file, appended with the formatted information, to the priority rule-based coalescing mechanism.

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10. (Original) The method according to claim 7, wherein the constructing according to a pre-defined syntax includes constructing according to XML.

11. (Previously presented) A method for a priority rule-based coalescing mechanism, comprising:

 sending an inquiry to an agent to gather information from a device group associated with the agent, the device group comprising devices capable of running on a plurality of different platforms using a plurality of different protocols;
 receiving formatted information from the agent, formatted information being constructed according to a pre-defined syntax;
 retrieving priority rules associated with the agent from a priority rule database; and
 coalescing the formatted information based on the priority rules to generate an updated coalesced file.

12. (Original) The method according to claim 11, wherein the sending an inquiry includes sending the inquiry with a coalesced file.

13. (Original) The method according to claim 12, wherein the receiving the formatted information includes receiving the formatted information with the coalesced file wherein the formatted information is appended.

14. (Previously presented) A method, comprising:

 receiving, by an agent associating with a device group that comprises devices capable of running on a plurality of different platforms using a plurality of different protocols, information pertaining to the devices;
 constructing formatted information based on the information received from the devices according to a pre-defined syntax;
 sending the formatted information to a priority rule-based coalescing mechanism;

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retrieving, by the priority rule-based coalescing mechanism, priority rules associated with the agent from a priority rule database; and
coalescing the formatted information based on the priority rules to generate an update coalesced file.

15. (Original) The method according to claim 14, wherein the coalescing the formatted information comprises:

coalescing the formatted information with respect to a coalesced file according to the priority rules; and
generating the updated coalesced file based on the result from the coalescing.

16. (Original) The method according to claim 14, further comprising:

setting up the priority rules associated with the agent prior to the retrieving; and
transforming the formatted information prior to the coalescing formatted information according to the priority rules.

17. (Previously presented) A method for a priority rule-based coalescing mechanism, comprising:

receiving formatted information from an agent associated with a device group comprising devices capable of running on a plurality of different platforms using a plurality of different protocols, formatted information being constructed based on the information, obtained from the devices, according to a pre-defined syntax; retrieving priority rules associated with the agent from a priority rule database; and coalescing the formatted information based on the priority rules to generate an updated coalesced file.

18. (Original) The method according to claim 17, wherein the coalescing the formatted information comprises:

coalescing the formatted information with respect to a coalesced file according to the priority rules; and

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generating the updated coalesced file based on the result from the coalescing.

19. (Previously presented) The method according to claim 17, further comprising:
setting up the priority rules associated with the agent prior to the retrieving; and
transforming the formatted information prior to the coalescing according to the
priority rules associated with the agent.
20. (Previously presented) A computer-readable storage medium encoded with a
program, the program, when executed causing:
sending, by a priority rule-based coalescing mechanism, an inquiry to an agent to
gather information from a device group associated with the agent;
collecting, by the agent, the information from the device group according to the
inquiry;
constructing formatted information based on the information obtained from the device
group according to a pre-defined syntax;
sending the formatted information to the priority rule-based coalescing mechanism;
retrieving, by the priority rule-based coalescing mechanism, priority rules associated
with the agent from a priority rule database; and
coalescing the formatted information based on the priority rules to generate an
updated coalesced file.
21. (Previously presented) The medium according to claim 20, wherein the sending of
the formatted information comprises:
appending the formatted information, generated by the constructing, to a coalesced
file that is received together with the inquiry; and
sending the coalesced file, appended with the formatted information, to the priority
rule-based coalescing mechanism.

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22. (Previously presented) A computer-readable storage medium encoded with a program for a priority rule-based coalescing mechanism, the program, when executed causing:
- sending an inquiry to an agent to gather information from a device group associated with the agent, the device group comprising devices capable of running on a plurality of different platforms using a plurality of different protocols;
 - receiving formatted information from the agent, formatted information being constructed according to a pre-defined syntax;
 - retrieving priority rules associated with the agent from a priority rule database; and
 - coalescing the formatted information based on the priority rules to generate an updated coalesced file.
23. (Original) The medium according to claim 22, wherein
- the sending an inquiry includes sending the inquiry with a coalesced file;
 - the receiving the formatted information includes receiving the formatted information with the coalesced file wherein the formatted information is appended.
24. (Previously presented) A computer-readable storage medium encoded with a program, the program, when executed, causing:
- receiving, by an agent associating with a device group that comprises devices capable of running on a plurality of different platforms using a plurality of different protocols, information from the devices;
 - constructing formatted information based on the information received from the devices according to a pre-defined syntax;
 - sending the formatted information to a priority rule-based coalescing mechanism;
 - retrieving, by the priority rule-based coalescing mechanism, priority rules associated with the agent from a priority rule database; and
 - coalescing the formatted information based on the priority rules to generate an updated coalesced file.

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25. (Original) The medium according to claim 24, further comprising code, which when executed causes:

setting up the priority rules associated with the agent prior to the retrieving; and transforming the formatted information prior to the coalescing formatted information according to the priority rules.

26. (Previously presented) A computer-readable storage medium encoded with a program for a priority rule-based coalescing mechanism, the program, when executed, causing:

receiving formatted information from an agent associated with a device group comprising ~~at least one~~ devices capable of running on a plurality of different platforms using a plurality of different protocols, formatted information being constructed based on the information, obtained from the devices, according to a pre-defined syntax;

retrieving priority rules associated with the agent from a priority rule database; and coalescing the formatted information based on the priority rules to generate an updated coalesced file.

27. (Previously presented) The medium according to claim 26, further comprising code, which when executed causes:

setting up the priority rules associated with the agent prior to the retrieving; and transforming the formatted information prior to the coalescing according to the priority rules associated with the agent.

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EVIDENCE APPENDIX

None

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RELATED PROCEEDINGS APPENDIX

None